

RESOLUTION NO. 15

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO AUTHORIZING THE ISSUANCE OF REVENUE BONDS; SETTING THE BALLOT TITLE AND BALLOT QUESTION REFERRING THIS RESOLUTION AT AN ELECTION TO BE HELD APRIL 3, 2012; PROVIDING THE EFFECTIVE DATE OF THIS RESOLUTION; AND SETTING FORTH DETAILS IN RELATION THERETO.

WHEREAS, the Town of Buena Vista, Colorado (the "Town"), is a statutory municipality organized and operating under the laws of the State of Colorado; and

WHEREAS, the Town presently imposes a sales tax at the rate of 2.5%; and

WHEREAS, pursuant to Section 29-2-111, Colorado Revised Statutes, as amended ("C.R.S."), the Board of Trustees of the Town (the "Board") has the power, with elector prior approval, to create a special fund for the deposit of all or any portion of the revenue from a sales tax and to pledge such fund solely to provide for capital improvements and, pursuant to Section 29-2-112, C.R.S., for the payment of revenue bonds issued to finance capital improvements; and

WHEREAS, the Board desires to advance the safety and welfare of the residents of the Town by funding the cost of capital street improvements within the Town with revenue from a 0.5% increase in the rate of the Town's sales tax from 2.0% to the current rate of 2.5% approved by the electors of the Town at an election held on April 6, 2010 (the "2010 Election") and proceeds from the issuance of sales tax revenue bonds; and

WHEREAS, the Board desires to apply the revenues generated from the 0.5% increase in the rate of the Town's sales tax from 2.0% to 2.5%, and to restrict the revenues generated from such tax rate increase solely to provide funds for the cost of street improvements, including the repayment of revenue bonds issued in the future for such purpose; and

WHEREAS, the sales tax increase, as approved by the eligible electors of the Town, commenced on July 1, 2010; and

WHEREAS, Article X, Section 20 of the Constitution of the State of Colorado requires that the Town have voter approval in advance for the creation of any multiple-fiscal year direct or indirect debt or other financial obligation whatsoever; and

WHEREAS, the Town Board desires to submit a ballot issue to the eligible electors of the Town on April 3, 2012, authorizing the issuance of the revenue bonds for the purpose set forth in this Resolution;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO DOES HEREBY RESOLVE:

Section 1. Submission of Ballot Issue at Regular Election. An election shall be held on Tuesday, April 3, 2012, at which there shall be submitted to the eligible electors of the Town

a ballot issue authorizing the issuance of revenue bonds, which question shall be in substantially the following form:

Ballot Issue ____:

SHALL TOWN OF BUENA VISTA DEBT BE INCREASED BY AN AMOUNT NOT TO EXCEED \$3,000,000, WITH A MAXIMUM REPAYMENT COST OF \$5,500,000, BUT WITH NO INCREASE IN SALES TAXES AUTHORIZED BY THIS BALLOT ISSUE, FOR THE PURPOSE OF DESIGNING, CONSTRUCTING AND INSTALLING STREET IMPROVEMENTS FOR THE TOWN; SUCH DEBT TO CONSIST OF SALES TAX REVENUE BONDS ISSUED SOLELY FOR THE PURPOSE OF CONSTRUCTING AND INSTALLING STREET IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, SIDEWALKS, CURBS, GUTTERS AND INCIDENTALS, SUCH BONDS TO BE DATED AND SOLD AT SUCH TIME, AND AT SUCH PRICES (AT, ABOVE OR BELOW PAR) AND CONTAINING SUCH TERMS, NOT INCONSISTENT HERewith, AS THE BOARD OF TRUSTEES MAY DETERMINE; AND SHALL THE PROCEEDS OF SUCH BONDS, INCLUDING INVESTMENT EARNINGS, BE COLLECTED AND SPENT AS A VOTER APPROVED REVENUE CHANGE WITHIN THE MEANING OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

Section 2. Setting Ballot Title and Content. For purposes of C.R.S. § 1-11-203.5, this Resolution shall serve to set the title and content of each ballot issue set forth herein and the ballot title for each question shall be the text of the question itself.

Section 3. Conduct of Election. The officers and employees of the Town are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution and the holding of a mail ballot election on April 3, 2012.

Section 4. Establishment of 2012 Capital Improvement Account. All revenue received by the Town subsequent to the April 3, 2012 election from the 0.5% sales tax rate increase imposed pursuant to the 2010 Election shall be deposited into a segregated interest bearing account designated the “2012 Sales Tax Capital Improvement Account” (the “2012 Capital Improvement Account”), hereby established within the Capital Improvement Fund of the Town in accordance with Section 29-2-111, C.R.S. Revenues deposited into the 2012 Capital Improvement Account shall be expended solely for the purposes of (i) designing, constructing and installing capital street improvements, including, but not limited to, sidewalks, curbs, gutters and incidentals, and (ii) providing for the payment of revenue bonds issued for such purpose. Nothing herein shall limit the authority of the Board to pledge to the payment of the revenue bonds and deposit into the 2012 Capital Improvement Account all or any portion of the pre-existing 2.0% sales tax of the Town in addition to revenues required to be deposited into the 2012 Capital Improvement Account from the sales tax rate increase imposed pursuant to the 2010 Election.

Section 5. Severability. Should any one or more sections or provisions of this Resolution be judicially determined invalid or unenforceable, such determination shall not affect,

impair, or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

ADOPTED AND APPROVED this 24th day of January, 2012.

TOWN OF BUENA VISTA, COLORADO

By _____
Mayor

ATTEST:

By _____
Town Clerk